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NOV 17 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**ROSIER-MONTUS et al.**

Examiner: **LEFFERS, JR., Gerald G.**  
Art Unit: **1636**

Application No.: **09/846,456**

Filed: **May 2, 2001**

Title: **REGULATORY NUCLEIC ACID FOR  
THE ABC1 GENE, MOLECULES  
MODIFYING ITS ACTIVITY AND  
THERAPEUTIC USES**

**TELEFAX CERTIFICATE**

I hereby certify that this correspondence is being  
transmitted to the above named Office of the Commissioner for  
Patents, Alexandria, VA 22313, on

*Nov. 17, 2005*  
Date of Transmittal  
*Rika Coyleen*  
Signature

DO NOT ENTER: /D.S./

**RESPONSE UNDER 37 CFR 1.116 TO OFFICE  
COMMUNICATION**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Communication mailed May 17, 2005 in the above-referenced application, Applicants submit the following response. A Petition for a Three Month Extension of Time and a Notice of Appeal with authorizations for appropriate fees are concurrently submitted.

Amendments to the Claims begin on the page following.

Remarks begin on page 5.

In a telephonic inquiry to seek clarification of the text of the Office Action, Applicants' representative was informed that Ann Sullivan was now assigned to complete examination of the application.